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PTO/SB/21 (02-04)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

|                        |                       |
|------------------------|-----------------------|
| Application Number     | 10/672,052            |
| Filing Date            | 09/26/2003            |
| First Named Inventor   | Selinfreund et al     |
| Art Unit               | 1756                  |
| Examiner Name          | Angebranndt, Martin J |
| Attorney Docket Number | VTI-114.4 B(US)       |

### ENCLOSURES (Check all that apply)

|  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><br><b>Remarks</b><br><small>**Japanese Patents have English language abstract.</small> | <input type="checkbox"/> After Allowance communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):<br>1.PTO/SB/08A<br>2.International Search Report<br>3. 8 references** |
|--|---|---|

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |  |
|-------------------------|--|
| Firm or Individual name | Hans- Peter G. Hoffmann, Reg. No. 37,352 |
| Signature               |  |
| Date                    | November 3, 2004                         |

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

|                       |                  |      |                  |
|-----------------------|------------------|------|------------------|
| Typed or printed name | Jack B Koczarski |      |                  |
| Signature             |                  | Date | November 3, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180.00)

## Complete if Known

|                      |                        |
|----------------------|------------------------|
| Application Number   | 10/672,052             |
| Filing Date          | 09/26/2003             |
| First Named Inventor | Selinfreund et al.     |
| Examiner Name        | Angebrannndt, Martin J |
| Art Unit             | 2651                   |
| Attorney Docket No.  | VTI-114.4 B(US)        |

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

|                        |                        |
|------------------------|------------------------|
| Deposit Account Number | 03-3975                |
| Deposit Account Name   | PILLSBURY WINTHROP LLP |

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 1001 770                   | 2001 385                   | Utility filing fee     |          |
| 1002 340                   | 2002 170                   | Design filing fee      |          |
| 1003 530                   | 2003 265                   | Plant filing fee       |          |
| 1004 770                   | 2004 385                   | Reissue filing fee     |          |
| 1005 160                   | 2005 80                    | Provisional filing fee |          |
| <b>SUBTOTAL (1) (\$)</b>   |                            |                        |          |

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Independent Claims | Multiple Dependent | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------------|--------------------|--------------|----------------|----------|
|              |                    |                    | -20** =      | X              | =        |
|              |                    |                    | - 3** =      | X              | =        |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  |
|----------------------------|----------------------------|--|
| 1202 18                    | 2202 9                     | Claims in excess of 20                                     |
| 1201 86                    | 2201 43                    | Independent claims in excess of 3                          |
| 1203 290                   | 2203 145                   | Multiple dependent claim, if not paid                      |
| 1204 86                    | 2204 43                    | ** Reissue independent claims over original patent         |
| 1205 18                    | 2205 9                     | ** Reissue claims in excess of 20 and over original patent |
| <b>SUBTOTAL (2) (\$)</b>   |                            |  |

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Description  | Fee Paid |
|--------------|--------------|--|----------|
| 1051 130     | 2051 65      | Surcharge - late filing fee or oath  |          |
| 1052 50      | 2052 25      | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053 130     | 1053 130     | Non-English specification  |          |
| 1812 2,520   | 1812 2,520   | For filing a request for ex parte reexamination                            |          |
| 1804 920*    | 1804 920*    | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840*  | 1805 1,840*  | Requesting publication of SIR after Examiner action                        |          |
| 1251 110     | 2251 55      | Extension for reply within first month                                     |          |
| 1252 420     | 2252 210     | Extension for reply within second month                                    |          |
| 1253 950     | 2253 475     | Extension for reply within third month                                     |          |
| 1254 1,480   | 2254 740     | Extension for reply within fourth month                                    |          |
| 1255 2,010   | 2255 1,005   | Extension for reply within fifth month                                     |          |
| 1401 330     | 2401 165     | Notice of Appeal   |          |
| 1402 330     | 2402 165     | Filing a brief in support of an appeal                                     |          |
| 1403 290     | 2403 145     | Request for oral hearing   |          |
| 1451 1,510   | 1451 1,510   | Petition to institute a public use proceeding                              |          |
| 1452 110     | 2452 55      | Petition to revive - unavoidable   |          |
| 1453 1,330   | 2453 665     | Petition to revive - unintentional   |          |
| 1501 1,330   | 2501 665     | Utility issue fee (or reissue)   |          |
| 1502 480     | 2502 240     | Design issue fee   |          |
| 1503 640     | 2503 320     | Plant issue fee  |          |
| 1460 130     | 1460 130     | Petitions to the Commissioner  |          |
| 1807 50      | 1807 50      | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180     | 1806 180     | Submission of Information Disclosure Stmt                                  | 180.00   |
| 8021 40      | 8021 40      | Recording each patent assignment per property (times number of properties) |          |
| 1809 770     | 2809 385     | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810 770     | 2810 385     | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801 770     | 2801 385     | Request for Continued Examination (RCE)                                    |          |
| 1802 900     | 1802 900     | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 180.00)

## SUBMITTED BY

(Complete if applicable)

|                   |                        |                                   |                 |           |              |
|-------------------|------------------------|-----------------------------------|-----------------|-----------|--------------|
| Name (Print/Type) | Hans-Peter G. Hoffmann | Registration No. (Attorney/Agent) | 37,352          | Telephone | 203 965-8271 |
| Signature         |                        | Date                              | November 3 2004 |           |              |

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VTI-114.4B(US)

NOV 05 2004

Patent

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Date: November 3, 2004

  
Jack B. Koczarski

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of:

Selinfreund et al.

CASE NO.: VTI-114.4B(US)

APPLICATION NO.: 10/672,052

GROUP ART UNIT: 1756

FILED: September 26, 2003

EXAMINER: Angebranndt, Martin J

FOR: TRANSIENT OPTICAL STATE CHANGE MATERIALS USEFUL IN COPY-  
PROTECTED COMPACT DISC.

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

All copies of the references besides US Patents listed on the attached Form PTO-1449 (PTO/SB/08A) have been provided.

- ( ) In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, no additional fee is required. The Commissioner is authorized to charge any fees required to Deposit Account No. 03-3975.

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11/08/2004 RHEBRAHT 00000024 033975  
01 FC:1806 180.00 DA

(X) In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, therefore:  
( ) Certification in Accordance with §1.97(e) is set forth below.

(X) The fee of \$ 180.00 as set forth in §1.17(p) is attached.  
( ) In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee, therefore included are: Certification in Accordance with §1.97(e); Petition Requesting Consideration of the Information Disclosure Statement; and the fee of \$  as set forth in §1 .17(p).

Please charge any necessary fees to Deposit Account No. 03-3975.

The references are only provided in the English language or with an English language abstract or translation.

November 3, 2004

Respectfully submitted,



Hans-Peter G. Hoffmann  
Registration No. 37,352  
PILLSBURY WINTHROP LLP  
695 East Main Street, Suite A3  
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Substitute for form 1449/PTO  
**INFORMATION DISCLOSURE  
 STATEMENT BY APPLICANT**  
 (Use as many sheets as necessary)

Sheet 1 of 1

**Complete if Known**

|                        |                       |
|------------------------|-----------------------|
| Application Number     | 10/672,052            |
| Filing Date            | 09/26/2003            |
| First Named Inventor   | Selinfreund et al.    |
| Art Unit               | 1756                  |
| Examiner Name          | Angebranndt, Martin J |
| Attorney Docket Number | VTI-114.4B(US)        |

**U.S. PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Document Number                                   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages or Relevant<br>Figures Appear |
|--------------------|-----------------------|---|--------------------------------|--|---|
|                    |                       | Number-Kind Code <sup>2</sup> ( <i>if known</i> ) |                                |  |   |
| 1                  |                       | US-6,011,772                                      | 01/04/2000                     | Rollhaus et al.                                    |   |

**FOREIGN PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Foreign Patent Document  | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages or Relevant<br>Figures Appear | T <sup>6</sup> |
|--------------------|-----------------------|--|--------------------------------|--|---|----------------|
|                    |                       | Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> ( <i>if known</i> ) |                                |  |   |                |
| 2                  |                       | JP 08-122836 A   | 05/17/1996                     | ARAMAKI et al..                                    |   |                |
| 3                  |                       | JP 01-228976 A   | 09/12/1989                     | KUBO et al.  |   |                |

**NON PATENT LITERATURE DOCUMENTS**

|                    |                       |   |                |
|--------------------|-----------------------|---|----------------|
| Examiner Initials* | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|                    | 4                     | International Search Report, International appl. No. PCT/US03/30897 of September 30, 2004   |                |
|                    | 5                     | Chandra, et al., "Studies on some new phenothiazines" Can. J.Chem., (1967) Vol. 45, pages 761-767   |                |
|                    | 6                     | Saref et al., "Recent advances in the synthesis of phenothiazines", Hetrocycles, (1987) Vol. 26 ( 1) pp.239-273   |                |
|                    | 7                     | Cauquil et al., "No 195- Recherches dans la serie de la...", Bull. Soc.Chim. France, (1955) pp.1061-1075.   |                |
|                    | 8                     | Daneke et al., "Addition von Nucleophilen an in situ erzeugtes Phenazithionium Kation", (1970), Vol.740 pp.52-62  |                |
|                    | 9                     | Morrison et al., "Organic Chemistry", Third Edition (1973), p.360   |                |

|                    |                 |  |
|--------------------|-----------------|--|
| Examiner Signature | Date Considered |  |
|--------------------|-----------------|--|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORM TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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